

**California Code of Regulations  
Title 20, Chapter 2**

**Article 4. Complaints and Investigations**

**§ 1230. Scope.**

(a) Complaint proceedings shall include any adjudicatory proceeding in which the commission determines whether to sanction, or take other appropriate action against, a person for an alleged violation of any statute, order, decision, or regulation adopted, administered, or enforced by the commission, including but not limited to a proceeding pursuant to Public Resources Code section 25534.1. Investigation proceedings shall include any adjudicatory proceeding in which the commission determines the applicability of any statute, order, decision, or regulation adopted, administered, or enforced by the commission. A single proceeding may involve both a complaint and an investigation.

(b) Standing committees to exercise the complaint or investigatory functions of the commission may be established pursuant to Section 1204(a). The order establishing a committee shall designate the area of commission jurisdiction over which a committee shall exercise the complaint or investigatory function.

Note: Authority cited: Sections 25213, 25218(e), and 25539, Public Resources Code. Reference: Section 11180, Government Code; and Sections 25210, 25362(a), 25362(b), 25451, 25452, 25500, 25534, 25534.1, 25900, 25967, and 25983, Public Resources Code.

**§ 1231. Complaints and Requests for Investigation; Filing.**

Any person, including but not limited to the commission staff or the owner or operator of a power plant or transmission line, may file a complaint alleging a violation of a statute, regulation, order, program, or decision adopted, administered, or enforced by the commission. Any complaints alleging noncompliance with a commission decision adopted pursuant to Public Resources Code section 25500 and following must be filed solely in accordance with section 1237. Any person may also file a request for investigation, including a request for a jurisdictional determination regarding a proposed or existing site and related facilities.

(a) A complaint or request for investigation shall be filed with the General Counsel of the commission.

(b) The complaint or request for investigation shall include:

- (1) the name, address, and telephone number of the person filing the complaint (complainant) or request for investigation (petitioner);
- (2) the name, address, and telephone number of the person allegedly violating the statute, regulation, order, or decision (respondent) or, in the case of a request for a jurisdictional investigation, the name, address, and telephone number of the person owning or operating, or proposing to own or operate, the project which is the subject of the request for investigation (respondent);
- (3) a statement of the facts upon which the complaint or request for investigation is based;
- (4) a statement indicating the statute, regulation, order, or decision upon which the complaint or request for investigation is based;
- (5) the action the complainant or petitioner desires the commission to take;

(6) the authority under which the commission may take the action requested; and  
(7) a statement by the complainant or petitioner specifically listing the names and addresses of any other individuals, organizations, and businesses which the complainant or petitioner knows or has reason to believe would be affected by the relief sought.

(8) a declaration under penalty of perjury by the complainant or petitioner attesting to the truth and accuracy of any factual allegations contained in the complaint or request for investigation. If any of the applicants are corporations or business associations, the declaration shall be dated, signed, and attested to by an officer thereof. Where a declaration is filed on behalf of a joint venture or proposed joint venture, all members of the joint venture or proposed joint venture shall date, sign, and attest to the declaration.

Note: Authority cited: Sections 25213, 25218(e) and 25539, Public Resources Code.  
Reference: Section 11180, Government Code; and Sections 25210, 25362(a), 25362(b), 25500, 25534, 25900, 25967 and 25983, Public Resources Code.

### **§ 1232. Hearing and Notice Procedures.**

(a) Within 30 days after the receipt by the General Counsel of a complaint or request for investigation, the committee, or if none has been assigned, the chairman, shall:

(1) dismiss the matter upon a determination of insufficiency or lack of merit of the pleadings, specifying whether the dismissal is with or without prejudice; or

(2) serve the complaint or request for investigation upon the respondent and all other persons identified in Section 1231(b)(7) and schedule a hearing upon the complaint or request for investigation. The hearing shall be scheduled to commence within 90 days after the receipt by the General Counsel of the complaint or request for investigation. The hearing may be scheduled before the full commission, the committee, or a hearing officer assigned by the chairman at the request of the committee as provided in Section 1205.

(b) Notice, by certified mail, return receipt requested, of complaint or investigatory proceedings shall be given to all petitioners, respondents and persons identified in Section 1231(b)(7) no fewer than 21 days before the first hearing on the matter. In addition, the committee, or if none has been assigned the chairman, may take additional steps to notify other individuals, organizations, and businesses which the committee or the chairman has reason to believe would be adversely affected by a decision.

(c) The notice shall contain:

(1) the names and addresses of all named complainants, petitioners, and respondents;

(2) a statement concerning the nature of the complaint or request for investigation, with an identification of the statute, regulation, order, or decision at issue;

(3) an explanation of the action the commission may take;

(4) the date, place, and time of any hearing in the matter; and

(5) a statement concerning the availability of the public adviser.

Note: Authority cited: Sections 25213, 25218(e) and 25539, Public Resources Code.  
Reference: Section 11180, Government Code; and Sections 25210, 25362(a), 25362(b), 25500, 25534, 25900, 25967 and 25983, Public Resources Code.

### **§ 1233. Answers to Complaints and Requests for Investigation.**

(a) The respondent shall file and serve an answer with the complainant or petitioner, the

commission, and all persons identified in Section 1231(b)(7) or 1232(b) within 30 days after service of the complaint or request for investigation pursuant to Section 1232(a)(2).

(b) The answer shall include:

- (1) an admission or denial of each material allegation;
- (2) an explanation of any defenses raised by the respondent; and
- (3) a declaration as provided in Section 1231(b)(8).

(c) Where the petitioner seeks clarification of the jurisdictional status of its own project, no answer shall be required.

Note: Authority cited: Sections 25213, 25218(e) and 25539, Public Resources Code.  
Reference: Section 11180, Government Code; and Sections 25210, 25362(a), 25362(b), 25451, 25452, 25500, 25534, 25900, 25967 and 25983, Public Resources Code.

#### **§ 1234. Proposed Decision.**

(a) If the matter is heard before an assigned committee or hearing officer, appointed pursuant to Section 1205, the committee or hearing officer shall make its recommendation to the full commission in the form of a written proposed decision.

(b) To the extent reasonably possible, the proposed decision shall be made available within 14 days following the close of hearings held pursuant to Section 1232.

(c) The proposed decision shall contain an explanation and analysis of the facts and issues involved in the case, and recommendations for disposition by the full commission. The committee or hearing officer shall serve a copy of the proposed decision upon all parties to the hearings on the matter and shall schedule the matter for consideration by the full commission at the earliest reasonable date, but in no event sooner than 10 days after service of the proposed decision.

Note: Authority cited: Section 25213, Public Resources Code. Reference: Section 25210, Public Resources Code.

#### **§ 1235. Public Participation and Intervention.**

To the extent deemed relevant by the presiding member, any person may testify or comment during a complaint or investigatory hearing. A person may become a formal party by intervening pursuant to Section 1207.

Note: Authority cited: Section 25213, Public Resources Code. Reference: Section 25214, Public Resources Code.

#### **§ 1236. Commission Decision.**

(a) Upon consideration of a proposed decision from a committee or hearing officer, the commission shall:

- (1) adopt, modify, or reject the proposed decision; or
- (2) remand the matter to the committee or hearing officer for further hearings; or
- (3) reopen the evidentiary record and itself conduct further hearings.

(b) When considering a proposed decision from a committee or hearing officer, the commission may limit presentations by all participants to written and oral submissions based upon the existing evidentiary record.

Note: Authority cited: Section 25213, Public Resources Code. Reference: Section 25210, Public Resources Code.

**§ 1237. Post-Certification Complaints.**

(a) Any person must file any complaint alleging noncompliance with a commission decision adopted pursuant to Public Resources Code section 25500 and following solely in accordance with this section. All such complaints shall be filed with the Docket Unit and submitted to the designated compliance project manager for investigation and shall include the following information:

- (1) the name, address, and telephone number of the person filing the complaint (complainant);
- (2) the name, address, and telephone number of the person owning or operating, or proposing to own or operate, the project which is the subject of the complaint;
- (3) a statement of facts upon which the complaint is based;
- (4) a statement indicating the statute, regulation, order, decision, or condition of certification upon which the complaint is based;
- (5) the action the complainant desires the commission to take;
- (6) the authority under which the commission may take the action requested, if known; and
- (7) a declaration under penalty of perjury by the complainant attesting to the truth and accuracy of the statement of facts upon which the complaint is based.

(b) Upon completion of the investigation of the alleged noncompliance, the commission staff shall file a report with the Docket Unit and with the committee assigned pursuant to section 1204 to hear such complaints, or the chairman if none has been assigned, setting forth the staff's conclusions. The report shall be filed no later than 30 days after the receipt by the designated compliance project manager of the complaint and shall be provided to the complainant, project developer, and other interested persons.

(c) If the commission staff is the complainant, it shall file a report with the Docket Unit and with the appropriate committee, detailing the noncompliance and explaining any steps taken to attempt to remedy the noncompliance. The committee shall act on the report in accordance with subsection (e).

(d) Any person may submit written comments on the complaint or staff report within 14 days after issuance of the staff report.

(e) Within 30 days after issuance of the staff report, the committee shall:

- (1) dismiss the complaint upon a determination of insufficiency of the complaint or lack of merit;
- (2) issue a written decision presenting its findings, conclusions or order(s) after considering the complaint, staff report, and any submitted comments; or
- (3) conduct hearings to further investigate the matter and then issue a written decision.

(f) If either the project owner or the complainant is not satisfied with the committee decision, they may appeal to the full commission within 14 days after issuance of the decision. The commission, within 30 days of receipt of the appeal and at a noticed business meeting or hearing, shall issue an order sustaining the committee's determination, modifying it, overturning it, or remanding the matter to the committee for further hearings.

Note: Authority cited: Sections 25213, 25218(e) and 25539, Public Resources Code. Reference: Section 11180, Government Code; and Sections 25210, 25362(b), 25500, 25534, 25534.1, 25900 and 25967, Public Resources Code.